

**IN THE WATER COURT OF THE STATE OF MONTANA  
UNITED STATES FISH AND WILDLIFE SERVICE,  
NATIONAL BISON RANGE–MONTANA COMPACT**

**Case No. WC-2011-01**

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**NOTICE OF ENTRY OF UNITED STATES FISH AND WILDLIFE SERVICE,  
NATIONAL BISON RANGE – MONTANA COMPACT  
PRELIMINARY DECREE AND NOTICE OF AVAILABILITY**

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**AS A WATER USER YOU MUST READ ALL OF THIS NOTICE**

The Montana Water Court has been asked to approve a Compact settling and defining all of the reserved water rights for the National Bison Range claimed by the United States of America on behalf of the U.S. Department of the Interior – Fish and Wildlife Service (“FWS”). The United States Fish and Wildlife Service, National Bison Range–Montana Compact (“the Compact” or “NBR Compact”) was negotiated by the State of Montana and the United States, and ratified by the 2009 Montana Legislature. The Compact needs your review before the Court determines whether to approve the Compact in accordance with applicable law.

The Compact defines the water rights of the United States for the National Bison Range, located in Water Court Basin 76L and within the exterior boundaries of the Flathead Indian Reservation. A summary description of the water rights in the Compact is enclosed with this Notice.

You are receiving this Notice because the State’s water right records indicate you have filed a statement of claim, have applied for or received a permit to appropriate water,

or have a water reservation in the vicinity of the area in which a reserved water right in the Compact is located. Since your water rights may be affected by the Compact, you should review the Compact. Accordingly,

**THIS IS YOUR OFFICIAL NOTIFICATION** that the Montana Water Court has entered a Preliminary Decree containing the United States Fish and Wildlife Service, National Bison Range–Montana Compact. If the Court approves the Compact, it will enter a final decree adjudicating the reserved water rights of the United States as they are recognized in the Compact. That final decree will be binding on all water users in the Montana water rights adjudication.

**WHAT IS A PRELIMINARY DECREE AND WHAT ARE YOUR RIGHTS AND OBLIGATIONS TO OBJECT TO THE COMPACT?**

This Preliminary Decree is a decree entered by the Water Court in accordance with Mont. Code Ann. § 85-2-231. At this stage in the adjudication, all affected parties are required to state any objections that they may have to the Compact. If you do not agree with the water rights recognized by the Compact, you may file an objection and request a hearing and the Water Court will hear your objection. **This will be your only opportunity to object to the United States Fish and Wildlife Service, National Bison Range–Montana Compact. Any Final Decree entered by the Water Court adjudicating the reserved water rights for the National Bison Range will be binding on you.**

**RIGHT TO APPEAL**

If you do not participate in Water Court proceedings, your right to appeal an adverse decision is limited. Mont. Code Ann. § 85-2-235, provides that:

(1) A person whose existing rights and priorities are finally determined may appeal that determination only if: (a) the person requested a hearing and appeared and entered objections in the Preliminary Decree; (b) the person's rights or priorities as determined in the decree were affected as the result of an objection filed by another person; (c) the person requested a hearing and appeared before the Water Court to finally resolve an issue remark; or (d) the person is a claimant appealing an adverse decision when the Water Court issued the decision as the result of an evidentiary hearing or as the result of calling the claim in on the Court's own motion.

(2) If the Attorney General participated as an intervenor as provided in Mont. Code Ann. § 85-2-248, the Attorney General may appeal a decision.

(3) An interlocutory ruling by a water judge upon a question of law may be appealed by a party affected by the decision and who participated in the matter in which the ruling was issued.

### **SHOULD YOU FILE AN OBJECTION?**

Only you can answer this question. To help you determine whether you should file an objection to the Compact, you should first examine the Compact and the abstracts. Your examination should not stop there, however. You must also compare the water rights in the Compact with the claims that you have filed with the Water Court or the water right permits or certificates that you have received from the Montana Department of Natural Resources and Conservation, and possibly the claims and permits of others within Basin 76L.

The following documents can be viewed at the list of offices identified below:

- A. The FWS, National Bison Range Compact;
- B. The abstracts of the water rights for the National Bison Range;
- C. All of the water rights claims that have been filed and all water right permits and certificates located in Basin 76L; and
- D. The Court's Order of September 30, 2011 authorizing this proceeding.

**NOTICE OF AVAILABILITY**

*The offices at which the documents referenced above can be viewed are:*

- 1. The Montana Water Court  
601 Haggerty Lane  
Bozeman, Montana  
(National Bison Range Compact, Findings of Fact, Conclusions of Law and Order of Commencement only.)
- 2. The following Montana Department of Natural Resources and Conservation offices:
  - a. Helena - Water Rights Adjudication Office  
910 Helena Avenue  
Telephone (406) 444-0560;
  - b. Missoula - Water Rights Adjudication Office  
210 Sixth Avenue  
Telephone (406) 265-5516;
  - c. Kalispell – Water Rights Adjudication Office  
613 N.E. Main, Suite E  
Telephone (406) 538-7459

*Internet information at [www.dnrc.mt.gov/wrd/adjudication/water\\_rts/adjudication](http://www.dnrc.mt.gov/wrd/adjudication/water_rts/adjudication) is also available. Scroll down through the various basins to FWS, National Bison Range Compact. Click on FWS, National Bison Range Compact and click on the Decree information that interests you.*

You may obtain a paper or electronic copy of the PRELIMINARY DECREE from the Department of Natural Resources and Conservation, Water Rights Bureau, P.O. Box 201601, Helena, MT, 59620-1601. The cost of a paper copy of this Decree, including the Index, abstracts and Findings and Conclusions (approximately 136 pages) is \$20.00. An electronic copy of this Decree on CD, including the abstracts and Index, FWS, National Bison Range Compact, Findings of Fact, Conclusions of Law and Order of Commencement, is \$10.00.

The FWS, National Bison Range Compact is published in section 85-20-1601 of the Montana Code Annotated beginning at [page 1049 of Volume 10 (2009 edition)]. The Montana Code Annotated can be found in many public offices and public libraries.

#### **HOW TO FILE AN OBJECTION AND REQUEST A HEARING**

An objection to the Compact must be filed on forms provided by the Water Court. Objection forms can be found at any of the offices listed above or on the internet. **All objections MUST BE FILED AND RECEIVED by the Montana Water Court, P.O. Box 1389, Bozeman, Montana 59771-1389, on or before MARCH 28, 2012.**

**LATE OBJECTIONS WILL NOT BE CONSIDERED.**

#### **EXTENSION**

**The Water Judge may grant a request for an extension of the time for filing objections. A request for an extension must be received by the Water Court on or before MARCH 28, 2012. Use the Water Court's form. If an extension is granted, it will apply to everyone. Any extension will be posted at the offices listed above and will**

be advertised once in the Charkoosta News, the Missoulian, and the Ronan Valley Journal.

**INFORMATIONAL MEETING WITH THE CHIEF WATER JUDGE**

A Public meeting to explain the Water Court procedures and the FWS, National Bison Range Compact will be held by the Chief Water Judge at **7:00 p.m.** on **March 1, 2012** at:

Cultural Center  
Salish Kootenai College  
58138 US Highway 93  
Pablo, MT 59855

Representatives of the Settling Parties will be present to answer your questions.

**ANY QUESTIONS?**

Use our toll-free number 1-800-624-3270 (in Montana). Our regular office number is (406) 586-4364, and is not toll-free. Or call your regional DNRC office at one of the telephone numbers listed in paragraphs 2.b–2.c above.

DATED this 30<sup>th</sup> day of September 2011.

s/s C. Bruce Loble  
Chief Water Judge

**SUMMARY DESCRIPTION OF RESERVED WATER RIGHTS  
IN THE  
UNITED STATES FISH AND WILDLIFE SERVICE  
NATIONAL BISON RANGE - MONTANA COMPACT**

The United States Fish and Wildlife Service National Bison Range-Montana Compact (Compact) recognizes federal reserved rights for the National Bison Range Wildlife Refuge located in Water Court Basin 76L on the Flathead Indian Reservation near Charlo, Montana for existing and future wildlife water and administrative uses and emergency fire suppression. The Compact and the abstracts for each current and future wildlife water use may also be reviewed on the Montana Department of Natural Resource and Conservation website at <http://dnrc.mt.gov/rwrcc>.

The Compact quantifies federal reserved water rights for the National Bison Range from springs, seeps, naturally-occurring surface flows and groundwater sources arising inside the boundaries of the National Bison Range for:

- Consumptive wildlife use rights for up to 755 animal units (one male bison equals 1.5 animal units; one female bison equals 0.9 animal units; one elk equals 0.75 Animal Units, and one mule deer, whitetail deer, bighorn sheep or antelope equals 0.2 Animal Units);
- Non-consumptive wildlife uses from springs, seeps and naturally-occurring surface flows;
- Current and future administrative uses, including but not limited to domestic, lawn and garden, storage and dust abatement purposes.

The water rights recognized in this Compact will have no appreciable effect on any water uses outside the National Bison Range as the sources of these water rights are predominantly springs, seeps and groundwater arising within the boundaries of the National Bison Range.

The priority date for these rights shall be May 23, 1908.

These water rights will be administered in the same way as water rights established under state law on the Flathead Indian Reservation.

Nothing in this Compact concerns the management of the National Bison Range. The Compact addresses only the federal reserved water rights that National Bison Range managers will have at their disposal.

**Summary of Total Volume of NBR Compact Water Rights**

<b>Wildlife Use</b>	
Consumptive Use	355.371 AF/YR
Non-Consumptive Use	18.48 AF/YR
<b>Administrative Use</b>	
Current Use	16.25 AF/YR
Future Use	15.00 AF/YR

